Commonwealth of Kentucky Environmental and Public Protection Cabinet Department for Environmental Protection

Division for Air Quality 803 Schenkel Lane Frankfort, Kentucky 40601 (502) 573-3382



AIR QUALITY PERMIT Issued under 401 KAR 52:020

Permittee Name: TransMontaigne Product Services, Inc.

Mailing Address: P.O. Box 5660

Denver, Colorado 80217

Source Name: TransMontaigne Product Services, Inc.

Covington Terminal

Mailing Address: 700 River Road HWY 8

Covington, Kentucky 41017

Source Location: Same as Source Mailing Address

Permit Number: V-05-085 Source A. I. #: 2504

Activity #: APE20040001

Review Type: Title V

Source ID #: 21-117-00004

Regional Office: Florence Regional Office

8020 Veterans Memorial Drive, Suite 110

Florence, Kentucky 41042

(859) 525-4923

County: Kenton

Application

Complete Date: August 19, 2003 Issuance Date: September 25, 2006

Revision Date:

Expiration Date: September 25, 2011

John S. Lyons, Director Division for Air Quality

TABLE OF CONTENTS

SEC	CTION		PAGE
		ISSUANCE	
A.	PERMIT AUTHORIZATION	RENEWAL	1
B. 1	EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	RENEWAL	2
C.	INSIGNIFICANT ACTIVITIES	RENEWAL	17
D.	SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	RENEWAL	18
E. \$	SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	RENEWAL	19
	MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	RENEWAL	20
G.	GENERAL PROVISIONS	RENEWAL	23
H.	ALTERNATE OPERATING SCENARIOS	RENEWAL	28
I.	SECTION I - COMPLIANCE SCHEDULE	RENEWAL	28

Permit Number: <u>V-05-085</u> Page: <u>1</u> of <u>28</u>

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

Permit Number: <u>V-05-085</u> Page: <u>2</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (LR-1)

Description:

Two-Bay Tank Truck Loading Rack with ten loading arms and associated pipeline equipment. The loading rack can load the following liquids: diesel fuel, conventional gasoline, reformulated gasoline, asphalt cement, mineral spirits, and petroleum products with a vapor pressure less than or equal to gasoline.

Constructed: 1958; Modified: After December 17, 1980

DAQ Control Equipment

Description: Loading Rack emissions controlled by a McGill Incorporated Adsorption/Absorption Vapor Recovery Unit, Model # 70239, Efficiency-98%. Operated when gasoline is loaded or when petroleum liquids other than gasoline are loaded in conjunction with gasoline. Constructed: 1983

APPLICABLE REGULATIONS:

- a. 401 KAR 60:005 Section 3(bbb) incorporating by reference 40 CFR 60 Subpart XX applies to the volatile organic compound (VOC) emissions from the loading of liquid product into gasoline tank trucks.
- b. 401 KAR 60:005 Section 3(a), incorporating by reference 40 CFR 60, Subpart A.

1. **Operating Limitations:**

- a. Pursuant to 40 CFR 60.502(e)(1) through (6), loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures:
 - i. The owner or operator shall obtain the vapor tightness documentation described in 40 CFR 60.505(b) for each gasoline tank truck which is to be loaded at the affected facility.
 - ii. The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.
 - iii. The owner or operator shall cross-check each tank identification number obtained in paragraph (e)(2) of this section with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless the conditions specified in 40 CFR 60.502(e)(3)(i)(A) or (B) are maintained. If the conditions specified in 40 CFR 60.502(e)(3)(i)(A) or (B) are not maintained, the source shall return to biweekly monitoring until said conditions are again met.
 - iv. The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tank truck loaded at the affected facility within 1 week after the documentation cross-check.
 - v. The terminal owner or operator shall take steps assuring that the non-vaportight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained.
 - vi. Alternative procedures to limiting tank truck loadings may be used upon application to, and approval by, the administrator.

Permit Number: V-05-085 Page: <u>3</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.
- c. The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.
- d. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in **3(b)**, **Testing Requirements**.
- e. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water).
- f. Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.

2. Emission Limitations:

Pursuant to 40 CFR 60.502(b), the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded.

Compliance Demonstration Method:

a. Compliance shall be demonstrated by calculating the controlled (@ 98%) emission limit (lb/gallon) by the following equation:

$$2.82 \times 10^{-7} (P \times M)$$

P = true vapor pressure of liquid loaded, pounds per square inch absolute (psia) reference AP-42, Figures 7.1-5 and 7.1-6, and at 70 °F.

M = molecular weight of vapors, pounds per pound-mole (lb/lb-mole) reference AP-42, Table 7.1-2.

b. Compliance with the standard in 40 CFR 60.502(b) shall be demonstrated via testing requirements. See condition 3. Testing Requirements.

3. Testing Requirements:

- a. The permittee shall perform emission testing within 180 days of issuance of the final permit. The testing shall be performed in accordance with the following test methods and procedures:
 - i. EPA Reference Test Method 2A or B to monitor volume of air/vapor exhausted per interval as specified in 40 CFR 60, Appendix A

Permit Number: V-05-085 Page: <u>4</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- ii. EPA Reference Method 21 as specified in 40 CFR 60, Appendix A to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded.
- iii. EPA Reference Method 25A or B to determine total organic compounds concentration as specified in 40 CFR 60, Appendix A
- iv. EPA Reference Method 27 to determine gasoline delivery tank pressure as specified in 40 CFR 60, Appendix A
- b. Test methods and procedures:
 - i. The owner or operator shall use as reference methods and procedures the test methods in appendix A of 40 CFR 60 or other methods and procedures as specified in 40 CFR 60.503, except as provided in 40 CFR60.8(b). The three run requirement of 40 CFR 60.8(f) does not apply.
 - ii. Immediately before the performance test required to determine compliance with 40 CFR 60.502(b.) and (h), the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.
 - iii. The owner or operator shall determine compliance with the standards in 40 CFR 60.502(b) as follows:
 - 1. The performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 300,000 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In the latter case, the 300,000-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.
 - 2. If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.
 - 3. The emission rate of total organic compounds shall be computed using the equation specified in 40 CFR 60.503(c)(3).
 - 4. The performance test shall be conducted in intervals of 5 minutes. For each interval, readings from each measurement shall be recorded, and the volume exhausted and the corresponding average total organic compounds concentration shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.
 - 5. The following methods shall be used to determine the volume air-vapor mixture exhausted at each interval:
 - A. Method 2B shall be used for combustion vapor processing systems.
 - B. Method 2A shall be used for all other vapor processing systems.

Permit Number: V-05-085 Page: <u>5</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 6. Method 25A or 25B shall be used for determining the total organic compounds concentration at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane or ethane content in the exhaust vent by a method (e.g., Method 18) approved by the Division.
- 7. To determine the volume of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.
- iv. The owner or operator shall determine compliance with the standard in 40 CFR 60.502(h) as follows:
 - 1. A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with ±2.5 mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.
 - 2. During the performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.

4. **Specific Monitoring Requirements:**

- a. Refer to **Condition 1. <u>Operating Limitations</u>** paragraphs a.(i) through (vi) and **Condition 5. <u>Specific Recordkeeping Requirements</u>** paragraphs a.(i-vi).
- b. Maintain Material Safety Data Sheets (MSDS) or certified records for each material type, including type of gasoline loaded, which indicate the vapor pressure (P)(psia) and vapor molecular weight (M).
- c. Refer to **SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

5. <u>Specific Recordkeeping Requirements</u>:

- a. The permittee shall notify the Division in writing and receive written approval prior to loading liquids other than those listed below:
 - i. Diesel Fuel
 - ii. Conventional Gasoline
 - iii. Reformulated Gasoline
 - iv. Asphalt Cement
 - v. Mineral Spirits
 - vi. Petroleum products with a vapor pressure less than or equal to gasoline
- b. Pursuant to 40 CFR 60.505, Reporting and recordkeeping:
 - i. The tank truck vapor tightness documentation required under 40 CFR 60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection.
 - ii. The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information:

Permit Number: V-05-085 Page: <u>6</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 1. Test title: Gasoline Delivery Tank Pressure Test-EPA Reference Method 27.
- 2. Tank owner and address.
- 3. Tank identification number.
- 4. Testing location.
- 5. Date of test.
- 6. Tester name and signature.
- 7. Witnessing inspector, if any: Name, signature, and affiliation.
- 8. Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).
- iii. A record of each monthly leak inspection required under paragraph 40 CFR 60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information:
 - 1. Date of inspection.
 - 2. Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
 - 3. Leak determination method.
 - 4. Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
 - 5. Inspector name and signature.
- iv. The terminal owner or operator shall keep documentation of all notifications required under 40 CFR 60.502 (e)(4) on file at the terminal for at least 2 years.
- v. As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in 40 CFR 60.505(a), (c), and (d), an owner may comply with the following requirements:
 - 1. An electronic copy of each record is instantly available at the terminal.
 - A. The copy of each record is an exact duplicate image of the original paper record with certifying signatures.
 - B. The permitting authority is notified in writing that each terminal using this alternative is in compliance with this alternative requirement.
 - 2. For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (e.g., via a card lock-out system), a copy of the documentation is made available (e.g., via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.
 - A. The copy of each record is an exact duplicate image of the original paper record with certifying signatures.
 - B. The permitting authority is notified in writing that each terminal using this alternative is in compliance with this alternative requirement.
- vi. The owner or operator of an affected facility shall keep records of all replacements or additions of components performed on an existing vapor processing system for 3 years.
- c. Maintain quarterly records of the Calculated Controlled (@98%) Emission Limit (lb/gallon).
- d. Refer to **SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

Permit Number: <u>V-05-085</u> Page: <u>7</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Specific Reporting Requirements:

- a. The following information shall be reported in the semi-annual reports to the Division as specified in **SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS:**
 - i. Number of Gasoline Tank Trucks.
 - ii. Volume of gasoline loaded.
 - iii. Calculated Controlled (@ 98%) Emissions Limit (lb/gallon).
- b. Records required under each section shall be maintained on site for a period of five (5) years after each is recorded, and the permittee shall provide these records to Division or Regional office personnel upon request.

7. <u>Specific Control Equipment Operating Conditions</u>:

- a. Pursuant to 40 CFR 60.502(a), each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.
- b. Pursuant to 40 CFR 60.502(d), each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack.

Permit Number: V-05-085 Page: <u>8</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Petroleum Product Storage Facilities:

02 (T-1)	External Floating Roof Petroleum Liquid Storage Tank 1,260,000 gallon capacity 4,767 m3
03 (T-2)	External Floating Roof Petroleum Liquid Storage Tank 1,260,000 gallon capacity 4767 m3
04 (T-3)	External Floating Roof Petroleum Liquid Storage Tank 420,000 gallon capacity 1,589 m3
05 (T-4)	External Floating Roof Petroleum Liquid Storage Tank 420,000 gallon capacity 1,589 m3
06 (T-5)	External Floating Roof Petroleum Liquid Storage Tank 420,000 gallon capacity 1,589 m3
07 (T-6)	External Floating Roof Petroleum Liquid Storage Tank 420,000 gallon capacity 1,589 m3
08 (T-7)	External Floating Roof Petroleum Liquid Storage Tank 420,000 gallon capacity 1,589 m3

Description:

Constructed 1959 (All Tanks)

APPLICABLE REGULATIONS:

401 KAR 61:005, applies to performance testing, 401 KAR 61:050, applies to VOC emissions.

1. Operating Limitations:

- a. Pursuant to 401 KAR 61:050 Section 3:
 - i. If the storage vessel has storage capacity greater than 151,400 liters (40,000 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than seventy-eight (78) mm Hg (1.5 psia) but not greater than 574 mm Hg (11.1 psia) the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.
 - ii. If the storage vessel has storage capacity greater than 151,400 liters (40,000 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is greater than 574 mm Hg (11.1 psia) the storage vessel shall be equipped with a vapor recovery system or equivalent.

Permit Number: V-05-085 Page: 9 of 28

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- iii. If the storage vessel has a storage capacity greater than 2,195 (580 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 10.3 kilopascal (1.5 psia), as a minimum it shall be equipped with a permanent submerged fill pipe.
- iv. If the storage vessel is an external floating roof tank with a storage capacity greater than 151,000 liters (40,000 gallons), it shall be retrofitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary seal) if:
 - 1. The tank is a welded tank, the true vapor pressure of the contained liquid is 27.6 kilopascals (4.0 psia) or greater, and the primary seal is one of the following:
 - A. A metallic-type shoe seal, a liquid-mounted foam seal, or a liquid-mounted liquid -filled type seal; or
 - B. Any other closure device which can be demonstrated equivalent to the above primary seals.
 - 2. The tank is a riveted tank and the true vapor pressure of the contained liquid is 10.3 kilopascal (1.5 psia) or greater.
 - 3. The tank is a welded tank, the true vapor pressure of the contained liquid is 10.3 kilopascal (1.5 psia) or greater, and the primary seal is vapor-mounted. If this primary seal closure device can be demonstrated equivalent to the primary seals described in paragraph (1) of this subsection, then the secondary seal is required if the vapor pressure is 27.6 kilopascal (4.0 psia) or greater.
- b. Pursuant to 401 KAR 61:050 Section 4:
 - i. There shall be no visible holes, tears, or other openings in the seal or any seal fabric.
 - ii. All openings, except stub drains, shall be equipped with covers, lids, or seal so that:
 - 1. The cover, lid, or seal is in the closed position at all times except during actual use;
 - 2. Automatic bleeder vents are closed at all times, unless the roof is floated off or landed on the roof leg supports; and
 - 3. Rim vents, if provided, are set to open if the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.
 - iii. External floating roof tanks shall meet the additional requirements:
 - 1. The seals shall be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.
 - 2. The gap area of gaps exceeding 0.32 cm (one-eight (1/8) in) in width between the secondary seal installed pursuant to 401 KAR 61:050, Section 3(4)(a), and the tank wall shall not exceed 6.5 sq. cm./0.3 m of tank diameter (1.0 sq. in/ft).
 - 3. All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves shall provide a projection below the liquid surface.
 - 4. Any emergency roof drain shall be provided with a slotted membrane fabric cover or equivalent that covers at least ninety (90) percent of the area of the opening.
- c. Refer to Condition 4.a.ii, Specific Monitoring Requirements.

Permit Number: V-05-085 Page: <u>10</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. <u>Emission Limitations</u>:

None

3. Testing Requirements:

401 KAR 61:005 Section 2(2), the cabinet may require the owner or operator of the facility to conduct performance test(s) according to 401 KAR 50:045 and furnish a written report of the results of such performance test(s).

4. **Specific Monitoring Requirements:**

- a. Pursuant to 401 KAR 61:050 Section 5:
 - i. If a liquid having a true vapor pressure greater than 7.0 kPa (1.0 psia) is stored in an external floating roof tank with a capacity of greater than 151,400 liter (40,000 gallons) not equipped with a secondary seal or approved alternative control technology, the owner or operator shall maintain a record of the average monthly storage temperature, the type of liquid, and the Reid vapor pressure of the liquid. The owner or operator shall retain the records for five (5) years after the date on which the record was made.
 - ii. The true vapor pressure shall be determined by using the average monthly storage temperature and typical Reid vapor pressure of the contained liquid or from typical available data on the contained liquid. Supporting analytical data shall be requested by the Cabinet if there is a question on the values reported.
- b. Refer to **SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

5. Specific Recordkeeping Requirements:

- a. Refer to Condition 4.a.i., Specific Monitoring Requirements.
- b. For all storage tanks or vessels, the permittee shall maintain a record of the tank or vessel identification, initial storage starting date for type of liquid stored, type of liquid stored in the respective tank or vessel, vapor pressure (kPa or psia), and the duration time of the liquid stored. A material safety data sheet (MSDS) for the petroleum product or other materials maybe submitted provided the above information is included on the MSDS. The permittee shall retain the records for five (5) years after the date on which the record was made.
- c. Refer to **SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

Specific Reporting Requirements:

The permittee shall provide the above records to the Division or Regional Office personnel upon request.

Permit Number: <u>V-05-085</u> Page: <u>11</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

12 (BRG-1)

Description:

Barge Loading

Constructed: Prior to 1995

APPLICABLE REGULATIONS:

401 KAR 63:002 Section 3(1)(r), incorporating by reference 40 CFR 63 Subpart Y, applies to hazardous air pollutant (HAP) emissions. For existing loading operations, the recordkeeping requirements of 40 CFR 63.567(j)(4) and the emission estimation requirements of 40 CFR 63.565(l) apply to sources with HAP emissions less than 10 and 25 TPY, respectively.

1. **Operating Limitations:**

None

2. Emission Limitations:

No emission limitation applies, however, 40 CFR 63 Subpart Y requires an emission estimation. Please refer to **Condition 5.a**, **Specific Recordkeeping Requirements**.

3. <u>Testing Requirements</u>:

None

4. Specific Monitoring Requirements:

Refer to SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS.

5. **Specific Recordkeeping Requirements:**

- a. Pursuant to 40 CFR 63.565(l), for sources with emissions less than 10 or 25 tons and sources with emissions of 10 or 25 tons, the owner or operator shall calculate an annual estimate of HAP emissions, excluding commodities exempted by 63.560(d), from marine tank vessel loading operations. Emission estimates and emission factors shall be based on test data, or if test data is not available, shall be based on measurement or estimating techniques generally accepted in industry practice for operating conditions at the source.
- b. Pursuant to 40 CFR 63.567(j)(4), owners or operators of marine tank vessel loading operations specified in 40 CFR 63.560(a)(3) shall retain records of the emissions estimates determined in 40 CFR 63.565(l) and records of their actual throughputs by commodity, for 5 years.
- c. Refer to **SECTION F MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

Permit Number: <u>V-05-085</u> Page: <u>12</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. **Specific Reporting Requirements:**

- a. Report the volume of liquid loaded out by barge on a tanker-by-tanker basis in the semi-annual reports. Calculate emissions from the loading operation using the most current guidance provided in AP-42. Records required under this section shall be maintained on site for a period of five (5) years after each record is recorded, and the permittee shall provide these records to Division or Regional office personnel upon request.
- b. Refer to Condition 5. Specific Recordkeeping Requirements, a. and b.
- c. Refer to **SECTION F MONITORING**, **RECORD KEEPING**, **AND REPORTING REQUIREMENTS**.

Permit Number: V-05-085 Page: <u>13</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

20 (--)

Description:

Primary and Secondary Asphalt Heaters (2) Maximum Rated Heat Capacity 7.3 mmBTU/hr, each Primary Fuel-Natural Gas Secondary Fuel-High Sulfur Diesel

Date Installed: June 1998

APPLICABLE REGULATIONS:

401 KAR 59:015, applies to the particulate, sulfur dioxide, and visible emissions.

1. **Operating Limitations**:

None

2. <u>Emission Limitations</u>:

Pursuant to 401 KAR 59:015;

- a. Emissions of particulate matter shall not exceed 0.51 lbs/mmBtu.
- b. Opacity of visible emissions shall not equal or exceed twenty (20) percent except that,
 - For indirect heat exchangers with heat input capacity of less than 250 million BTU per hour, a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot.
 - ii. The standard does not apply during building a new fire for the period required to bring the boiler up to operating conditions, provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- c. Emissions of sulfur dioxide shall not exceed 2.57 lb/mmBtu.

Compliance Demonstration Method:

a. For sulfur content limits:

The permittee shall demonstrate compliance with the sulfur content limits through either:

- Diesel fuel supplier certification (i.e. MSDS from fuel supplier), refer to Condition 4. <u>Specific Monitoring Requirements</u>.
- ii. Compliance is demonstrated for the asphalt heaters sulfur limits while combusting natural gas.
- b. For the particulate matter standards, compliance with emission standards shall be demonstrated through each unit, burning only the fuels specified in this permit.
- c. For visible emissions:
 - i. Compliance is demonstrated for the asphalt heaters opacity limits while combusting natural gas.
 - ii. When combusting high sulfur diesel refer to **Condition 4.** Specific Monitoring Requirements.

Permit Number: V-05-085 Page: <u>14</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. <u>Testing Requirements</u>:

Pursuant to 401 KAR 59:005, Section 2(2), the cabinet may require the owner or operator of any indirect heat exchanger of 250 mmBtu/hr or less (401 KAR 59:005, Section 2(1)(b)) to conduct performance test(s) according to 401 KAR 50:045 and furnish a written report of the results of such performance test(s).

4. **Specific Monitoring Requirements:**

The permittee shall monitor and maintain records of the following information:

- a. The monthly (calendar month) high sulfur diesel fuel usage rate (gallons per month) for each asphalt heater.
- b. Hours of operation for each asphalt heater when combustion diesel fuel.
- c. The sulfur content of the high sulfur diesel fuel burned, maintain current copies of the MSDS current diesel fuel combusted.
- d. The permittee shall perform daily qualitative visible observations of the emissions from each stack during any 24 hour period when diesel fuel is combusted and maintain a log of the observations. If visible emissions from a stack are seen, then the opacity shall be determined by EPA Reference Method 9 and an inspection shall be initiated for any necessary repairs.
- e. Refer to Condition 5. Specific Recordkeeping Requirements.

5. **Specific Recordkeeping Requirements:**

When combusting the secondary fuel, high sulfur diesel, the permittee shall maintain a monthly log of the monitoring results specified in 4(a) through (e). The results of the daily opacity monitoring specified in 4(d) shall only be required if visible emissions are observed. In the case where no visible emissions are observed, records are not required to be logged. When visible emissions are observed, the following information shall be logged:

- a. Date and time of observation.
- b. The color and density (light or dark) of the visible emissions.
- c. The cause of the visible emissions. Should any abnormal visible emissions persist for more than 24 hours, the permittee shall notify the Regional Office in Florence, Kentucky.
- d. Any corrective action taken.
- e. The dates and times of each Method 9 test and either the results of the test, or reasons for not performing a Method 9 test.

Specific Reporting Requirements:

Records required under each section shall be maintained on site for a period of five years after each is recorded, and the permittee shall provide these records to Division or Regional office personnel upon request.

Permit Number: <u>V-05-085</u> Page: <u>15</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

13 (FUG-1)

Description:

Fugitives (excluding LR-1 fugitives)

APPLICABLE REGULATIONS:

No state or federal requirements apply to this emission point.

NONAPPLICABLE REGULATIONS:

401 KAR 50:012, *General Application* does not apply to the uncontrolled VOC emissions from the individual emission points since the emissions from the individual points are below 100 TPY.

1. Operating Limitations:

None

2. <u>Emission Limitations</u>:

None

3. <u>Testing Requirements:</u>

None

4. **Specific Monitoring Requirements:**

None

5. Specific Recordkeeping Requirements:

None

6. Specific Reporting Requirements:

None

Permit Number: <u>V-05-085</u> Page: <u>16</u> of <u>28</u>

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

21 (LR-2)

Description:

Asphalt Loading

Processing Rate: 20,000,000 gallons/year

Date Constructed: June 1998

APPLICABLE REGULATIONS:

No state or federal requirements apply to this emission point.

NONAPPLICABLE REGULATIONS:

- a. 401 KAR 50:012, *General Application* does not apply to the uncontrolled VOC emissions from the individual emission points since the emissions from the individual points are below 100 TPY.
- b. 401 KAR 60:005 Section 3(1)(m), incorporating by reference 40 CFR 60 Subpart I, *Standards of performance for hot mix asphalt facilities*, does not apply since the terminal only stores asphalt cement and does not meet the definition of a *hot mix asphalt facility*.

1. **Operating Limitations:**

None

2. <u>Emission Limitations</u>:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

None

5. **Specific Recordkeeping Requirements:**

None

6. Specific Reporting Requirements:

None

Permit Number: <u>V-05-085</u> Page: <u>17</u> of <u>28</u>

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	Description	9	Generally A	applicable Regulation
(T-8)	Asphalt Storage Tank 420,000 gallon capacity	1,589 m3		N/A
(T-9)	Asphalt Storage Tank 420,000 gallon capacity	1,589 m3		N/A
(T-10)	Fixed Roof Distillate Storage 10,000 gallon capacity	Tank 37.8 m3		KAR 61:050 mpt by Section 1(3))
(T-11)	Fixed Roof Distillate Storage 10,000 gallon capacity	Tank 37.8 m3		KAR 61:050 mpt by Section 1(3))
(T-12)	Fixed Roof Distillate Storage 10,000 gallon capacity	Tank 37.8 m3		KAR 61:050 mpt by Section 1(3))
(T-13)	Fixed Roof Distillate Storage 10,000 gallon capacity	Tank 37.8 m3		KAR 61:050 mpt by Section 1(3))
(T-14)	Fixed Roof Distillate Storage 10,000 gallon capacity (Removed)	Tank 37.8 m3		KAR 61:050 mpt by Section 1(3))
(T-15)	Fixed Roof Low Vapor Press (<2.0 psia) Organic Storage T 21,000 gallons capacity			N/A
(T-24)	Asphalt Storage Tank 1,285,200 gallon capacity	4,862 m3		N/A
(T-25)	Asphalt Storage Tank 1,285,200 gallon capacity	4,862 m3		N/A
()	Surface Coating of Tanks (1,000 gallons per year maxir	num of coating	naterial)	N/A
(T-27)	Fixed Roof Distillate Storage 7,497 gallon capacity	Tank		KAR 59:050 mpt by Section 2(3))
()	Glycol/Biodiesel Storage and	Loading	401	KAR 61:020, 59:010, 63:010
(2) Nat	ural gas Boilers, 2 mmBtu/hr	KAR 59:015		

Permit Number: <u>V-05-085</u> Page: <u>18</u> of <u>28</u>

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. PM, visible emissions, and VOC emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

Permit Number: <u>V-05-085</u> Page: <u>19</u> of <u>28</u>

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

Permit Number: V-05-085 Page: <u>20</u> of <u>28</u>

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

- 1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
- 2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit:
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

- 4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
- 5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

Permit Number: V-05-085 Page: 21 of 28

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.

- 7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
- 8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
- 9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

Permit Number: <u>V-05-085</u> Page: <u>22</u> of <u>28</u>

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Florence Regional Office
8020 Veterans Memorial Drive
Suite 110

Florence, KY 41042

Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601 U.S. EPA Region 4 Air Enforcement Branch Atlanta Federal Center 61 Forsyth St. Atlanta, GA 30303-8960

- 10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
- 11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

Permit Number: V-05-085 Page: 23 of 28

SECTION G - GENERAL PROVISIONS

(a) <u>General Compliance Requirements</u>

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].

- 2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- 4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

Permit Number: V-05-085 Page: <u>24</u> of <u>28</u>

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

- 7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
- 11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- 12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
- 13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
- 14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
- 15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

Permit Number: <u>V-05-085</u> Page: <u>25</u> of <u>28</u>

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:

- a. Applicable requirements that are included and specifically identified in the permit and
- b. Non-applicable requirements expressly identified in this permit.
- 17. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

(b) <u>Permit Expiration and Reapplication Requirements</u>

- 1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- 2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) <u>Permit Revisions</u>

- 1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

Permit Number: <u>V-05-085</u> Page: <u>26</u> of <u>28</u>

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) <u>Construction, Start-Up, and Initial Compliance Demonstration Requirements</u> None

- (e) <u>Acid Rain Program Requirements</u> N/A
- (f) <u>Emergency Provisions</u>
- 1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
- 2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
- 3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].
- (g) Risk Management Provisions
- 1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center P.O. Box 1515 Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

Permit Number: V-05-085 Page: <u>27</u> of <u>28</u>

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
- e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
- f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- 2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

Permit Number: <u>V-05-085</u> Page: <u>28</u> of <u>28</u>

SECTION H - ALTERNATE OPERATING SCENARIOS

Not Applicable

SECTION I - COMPLIANCE SCHEDULE

Not Applicable